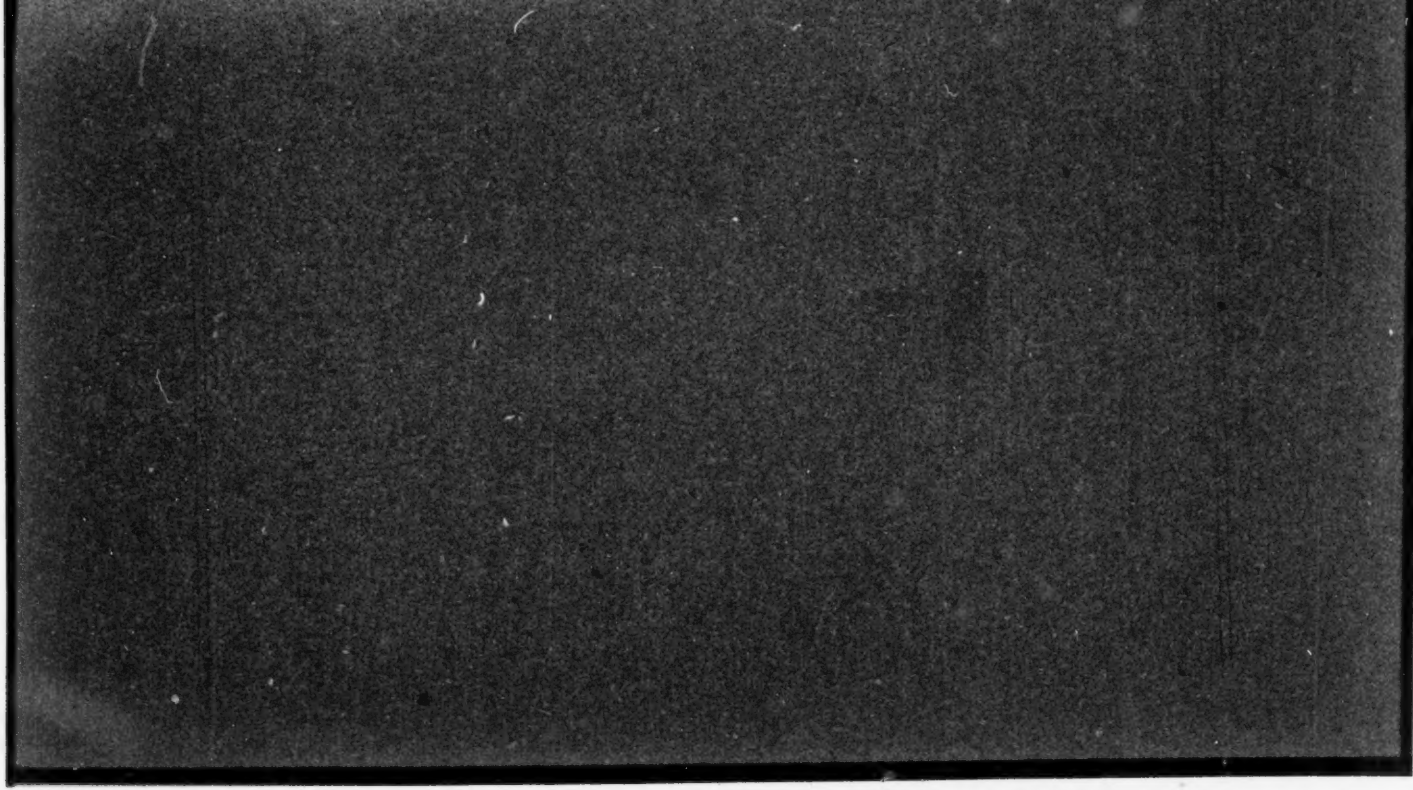

No. 535.

Motion to set for hearing &c.

Office Supreme Court U. S.
FILED
MAR 6 1901
JAMES H. McKENNEY,

Supreme Court of the United States

OCTOBER TERM, 1900.

Filed Mar. 6, 1901.

No. 535.

IN RE THE AMERICAN SUGAR REFINING COMPANY, PETITIONER.

THE AMERICAN SUGAR REFINING COMPANY, PETITIONER,

vs.

THE CITY OF NEW ORLEANS, A MUNICIPAL CORPORATION, RESPONDENT.

Motion to Fix Day for Argument on Return to Rule to Show Cause.

To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States:

Now comes The American Sugar Refining Company, petitioner, and shows to the court that it desires to be allowed to argue orally, by its counsel, the subject-matter and merits of the rule to show cause herein granted by this honorable court on January 21, 1901; that the said rule to show cause

should, as petitioner is advised, be set down for oral argument according to the rules of practice of this honorable court; that petitioner has notified The City of New Orleans and the Honorable the Judges of the Court of Appeals for the Fifth Circuit, respondents, that petitioner will ask leave of this honorable court to set down the said rule for argument on Monday, March 18, 1901, at 12 o'clock m., or as soon thereafter as counsel may be heard, and that petitioner will, by its counsel, orally argue the merits of the said rule at said hour, leave of court being first had, and that it has heretofore filed a brief herein, a copy of which has been delivered to each of the respondents herein.

Wherefore, the premises considered, petitioner prays that it have leave to argue orally the said cause on Monday, March 18, 1901, or on such other day as the court may fix.

CHARLES CARROLL,
JOSEPH W. CARROLL,
Attorneys for The American Sugar Refining Company, Petitioner.

NEW ORLEANS, LA., *February* 28, 1901.

The undersigned, respondents in the above-entitled cause, hereby acknowledge to have received this day from above-named petitioner a copy of the foregoing motion; and we do further acknowledge to have received a copy of the brief of petitioner, hereinbefore filed, in support of its application for a writ of certiorari or, in the alternative, for a writ of mandamus.

SAM'L L. GILMORE,
City Attorney.

DON A. PARDEE,
Senior Circuit Judge.